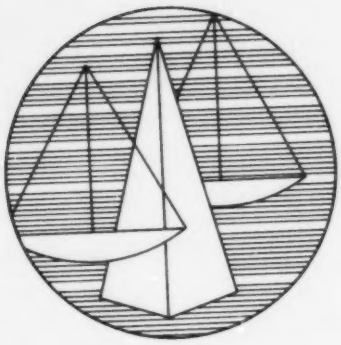


Tthak Nihk'ìt
Tr'igwindaii
Gwich'in

Ńłek'è Nànàjè
Southern Tutchone

Ìnlek'í Nánájí
Northern Tutchone

Łihk'éhi Yéguts'edíh
Yégudíh
Kaska

Wooch Yáx
Kugaaxtoostee
Tlingit

Tthök Nihk'èt
Tr'ëhudèyy
Han

Tous sont traités
également
French

All Living Equally

The Honourable Sam Johnston,
Speaker of the Assembly
Legislative Assembly of the Yukon
Government of the Yukon
Box 2703
Whitehorse, Yukon Y1A 2C6

Sir:

We have the honour to submit the Annual Report of the Yukon Human Rights Commission for the year ended March 31, 1991 in accordance with Section 17 of the Yukon Human Rights Act.

Respectfully submitted,

Tor Forsberg,
Chairperson

George Henry
Commissioner

Debra Fendrick
Commissioner

92-07295/

CHAIRPERSON'S REPORT

The past year has been a time of growth. It is the fourth year of operation for the Yukon Human Rights Commission (YHRC) and the first year of the new commissioners' three-year term.

We have much to be proud of. The great success of the 18th annual conference of the Canadian Association of Statutory Human Rights Agencies (CASHRA), held in Whitehorse in June, provided the incoming commissioners with an optimistic beginning to their terms. Delegates to the conference proposed and recommended to CASHRA members a number of resolutions, including: an inquiry into residential schools, and a Royal Commission into the plight of First Nations peoples in Canada.

The Commission involved itself in related activities outside the Yukon by issuing news releases calling on the federal Minister of Indian Affairs to establish this inquiry and Royal Commission. As well, the YHRC wrote to the federal Minister of Justice in support of the Canadian Human Rights Commission's efforts to have sexual orientation included in the Canadian Human Rights Act.

There have been other major achievements for the Yukon Human Rights Commission. We have made great strides in public education by way of distributing printed materials explaining the mechanics of the Act.

Our continued collaboration with other agencies and organizations in planning and implementing activities has gained increased public support. Our participation in numerous events has furthered our efforts to be more visible to the Yukon public, and to increase awareness of our activities and mandate.

The case of M. Gould v Yukon Order of Pioneers is to date the only case that has been before a Board of Adjudication. The Gould case is under appeal at present to the Yukon Court of Appeal. The Commission believes that the Gould case continues to be important for all Canadians, and women in particular.

Yukoners are more conscious every year of the existence of a human rights agency in the territory. Our efforts must ensure that we are ever more accessible and understandable to all members of Yukon society.

Human rights legislation is public and fundamental law of general application. If there is a conflict between this fundamental law and other specific legislation, unless an exception is created, human rights legislation must govern.

Chief Justice of Manitoba, 1983

REPORT OF THE EXECUTIVE DIRECTOR

During the past year there has been an increase in the number of complaints. As well, staff have been involved in a range of activities in a number of key areas. These included employer/employee workshops that dealt with personnel practices and compliance with the Act.

Public education activities carried out by Commissioners and staff were many and varied. They included school presentations, speeches and media interviews. A major focus of these activities were National Access Awareness Week in June, International Human Rights Day in December, and the International Day for the Elimination of Racial Discrimination in March.

The Commission produced two information brochures describing the human rights complaint process from the perspectives of a complainant and a respondent. A grant from the Yukon Law Foundation provided major funding for these brochures.

The Commission continues to refine its complaint and inquiry management system. Each step of a complaint is noted, from initial contact with the office through the complaint investigation, report to the Commission and any further action required.

It is anticipated that the coming year will focus on further educational activities. We are currently developing public service announcements for both radio and television. As well, the development of public policy will also continue to be a major focus. The Commission will continue to consult with the public and private sectors when developing new policies relevant to human rights.

New Commissioners

The new commissioners assumed their appointments July 1, 1990. They serve for three years.

Tor Forsberg (Chair)

Tor Forsberg was born and raised in Watson Lake. She has run a trapline, formed her own expediting company and taught art. She studied for a time in British Columbia, and on her return to the Yukon became involved in native issues and women's groups. She is a visual artist and lives in Watson Lake with her husband and daughter.

Debra Fendrick

Debra Fendrick grew up in the Yukon and the Northwest Territories. She received her undergraduate degree at the University of Victoria and obtained her law degree from the University of Alberta. Ms. Fendrick articled for one year in Vancouver and then returned to the Yukon to practise civil litigation with the firm of Veale, Kilpatrick, Austring and Farkvam.

George Henry

George Henry was born in Whitehorse. He is actively involved with development issues concerning First Nations peoples. He received a degree in communications from Ryerson Polytechnical Institute in Toronto and has worked extensively in broadcasting and communication. In August 1990 he was appointed Vice-President of First Nations Programs and Services at Yukon College.

National Access Awareness Week

In a fair and equal society, access is a right that must be extended to all citizens. Persons with disabilities ask neither for special treatment nor special privileges, but simply for equal access.

Each year, one week in June is set aside as a chance to look carefully at our community and determine just how accessible it is for people with disabilities. National Access Awareness Week is about identifying and removing barriers — both physical and attitudinal — in five fundamental areas: housing, education, employment, transportation and recreation.

Access Awareness Yukon (AAY) is mandated to create awareness and improve access in these areas all year long.

As part of its education mandate, the Commission participated in the territory's third celebration of National Access Awareness Week. Activities included radio talk shows, a poster contest and a well-attended public barbecue. Highlighting the week was a rally where individual committee members in wheelchairs illustrated the frustrations felt about, and immense difficulties encountered in, their attempts to gain access to both private and public sector buildings.

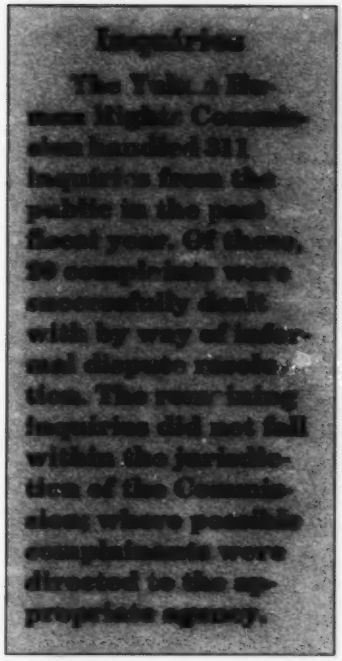
The first place, and one that often gets overlooked, is the entrance to the building, i.e. a two-inch lip on a ramp may as well be a two-foot curb.

LONA HOBBS
Member, Multiple Sclerosis Society (Yukon)

With representation from the Yukon Association of Community Living; Learning Disabilities Association of the Yukon; Department of Education; Vocational Rehabilitation; Positive Employment; Challenge; Yukon Special Olympics; Dawn (Yukon); M.S. Society Yukon; the Child Development Centre; the Yukon Paraplegic Association; Yukon Human Rights Commission and dedicated individuals, AAY is committed in its endeavour to advocate for a user-friendly Yukon for all citizens.

In concert with AAY, the Commission intends to lobby for equity in the area of employment. Employment equity will only come about when people who have been denied access in the past are given equal opportunity.

Doug Smith tries out the Royal Bank's new drive-in bank machine. With him are Helen Sinclair, president of the Canadian Bankers Association and bank manager Tom Hill.


Inquiries
The Yukon Human Rights Commission handled 311 inquiries from the public in the past fiscal year. Of these, 39 complaints were successfully dealt with by way of informal dispute resolution. The remaining inquiries did not fall within the jurisdiction of the Commission; where possible complainants were directed to the appropriate agency.

International Human Rights Day

To celebrate International Human Rights Day on December 10, the Commission distributed material to interest groups, elected members of territorial and municipal government, libraries, schools and churches.

A film was shown to students and staff of F.H. Collins high school, and at a public screening. Illustrating the principle of equality between men and women, the film was jointly sponsored by the Commission and the Department of Education.

In addition, the commissioners participated in radio interviews on several radio stations.

March 21, 1991

March 21 is the day designated as International Day for the Elimination of Racial Discrimination. The year 1991 marks the 25th anniversary of the United Nations' declaration. Since 1966, efforts to eliminate racial discrimination have accelerated and become a global priority.

As part of the weekly activities surrounding this day, the Commission presented, through the auspices of Oxfam Canada, a photo documentary on apartheid entitled "Taking Sides in South Africa". This powerful and moving display, exhibited at Yukon College and within the foyer of the Government of the Yukon administration building, was widely viewed by Yukoners of all

Until Canada recognizes the First Nations languages, cultures and traditions as being as valuable as the European white culture, we will always have the conflicts that result in discrimination and inequality.

Gwahtl Aaishin, Vuntut Gwich'in
(Norma Kassi, MLA, Old Crow, Yukon)
CASHRA Conference, 1990

Public Education Campaign

Consultations, conference attendance and workshops by Commission staff

Community interest groups, including women, First Nations, visible minorities, disabled persons	47
Business sector, private sector and Chambers of Commerce	23
Government agencies, municipalities	29
Radio, newspaper interviews	18
Conferences	18
Total number of consultations	**135**

ages. The Commission is encouraged by the positive response to this presentation.

On March 21, the Commission, Skookum Jim Friendship Centre, Association Franco-Yukonnais and the Baha'i Institute combined their efforts in recognition of the International Day for the Elimination of Racial Discrimination. For the second consecutive year, a circle of friendship was formed in front of the train station to emphasize the importance of the day.

Participants also attended a lunch hosted by Skookies and an evening potluck supper at Hellaby Hall. The Commission distributed material to schools, libraries and churches throughout the territory. An extensive and successful advertising campaign was implemented, with anti-racism ads appearing in all Yukon newspapers.

Formal Complaints

Taken by the YHRC 1987-1991 (excluding informal dispute resolution)

1987-88	8
1988-89	10
1989-90	8
1990-91	14

Community Grants

Public education continues to be a most important component of any human rights organization. The Community Grants Program, established by the YHRC in 1988, has proven to be an appropriate way in which to have communities involved in forming human rights policy. The Commission provided funding to the Liard Indian Band Teacher Organization Program, Yukon Women's Transition Home and Yukon Gays and Lesbians Association. The Commission was pleased to assist the recipient organizations with the support services they provide to the community at large.

For further information concerning grant criteria and deadlines, community organizations, religious organizations, issue groups and others are invited to contact the Commission.

Number of Complaints

(Prohibited grounds)

Ancestry/Race	4
National origin	1
Linguistic background	0
Age	3
Sex	1
Disability	3
Criminal charges	1
Marital/family status	2
Association	0
Religious beliefs	1
TOTAL	16

Note: Some persons filed complaints under more than one prohibited ground.

Pay Equity

In accordance with Section 14 of the Yukon Human Rights Act, all municipalities have implemented a program of equal pay for work of equal value for their employees.

Municipal administrators in Whitehorse, Faro, Dawson City, Watson Lake, Carmacks, Haines Junction and Mayo are to be commended for the cooperation extended by them to the Commission during the pre-implementation stage of the process.

CASHRA CONFERENCE

In June 1990, the commission hosted the 18th Annual Conference of the Canadian Association of Statutory Human Rights Agencies (CASHRA). CASHRA represents human rights commissions and agencies across the country.

Over 200 people came to the conference to hear speakers address the theme of "Human Rights and Aboriginal Peoples: Can Canada Truly be a Model?". Attendance set a CASHRA record, with more than twice as many participants as in previous years. The conference was special in another way as well, being the first time the public debated and discussed human rights issues with human rights administrators and officials.

Two of the keynote speakers for the conference were George Watts,

Outgoing YHRC Chair Sylvia Neschokat (left) and Justice minister Margaret Joe (right) listen to keynote speaker George Watts.

chair of the Nuu-Chah-Nulth Tribal Council of Port Alberni, British Columbia, and Norma Kassi, MLA for Old Crow and member of the Vuntut Gwich'in Tribal Council. A number of other Yukoners chaired or participated in the workshops and were joined by speakers from other parts of the country.

Workshop topics included discussions about the history of aboriginal peoples in Canada; whether Canada's Constitution protects the rights of Canada's First Nations; whether the comprehensive claims process is fair; aboriginal rights in the international context; the double disadvantage of aboriginal women and the public perception of aboriginal rights.

Some of the liveliest discussion took place at the CASHRA business meeting, held at the end of the conference. Resolutions passed included: educating non-aboriginal peoples in a culturally sensitive manner; the creation of a new and independent court challenges program; and establishing an independent aboriginal justice centre. Other resolutions — about the residential school system, self-government

Dayle MacDonald, Vice-Chair of the Council for Yukon Indians, addressed the conference.

agreements and the barriers facing aboriginal people in employment — were tabled to a second meeting, which was held in Prince Edward Island in the fall.

The CASHRA conference was one of the most productive activities undertaken by the commission in the past year. It focused attention on issues that events later that summer proved to be pressing and urgent. It also brought together aboriginal people, human rights advocates and administrators for the first time in a public debate that was long overdue. The conference also turned out to be a unique and marvellous opportunity for Yukoners to air their views about human rights issues in a national forum.

POLICIES

An important part of the Yukon Human Rights Commission's mandate is the development of policies concerning the prohibited grounds of the Act. The Commission is frequently called upon to provide consultation and guidelines for issues that fall under the jurisdiction of the Act. During this fiscal year, three policy issues are under development by the Commission: employment-related medical testing, employment equity and sexual harassment.

Employment-related Medical Testing

The legality and enforceability of drug testing in the workplace is one of the most challenging and topical issues facing human rights commissions across North America. As stated in Anderson vs. Exxon (Supreme Court of New Jersey, 1982) "prejudice in the sense of a judgment or opinion formed before the facts are known is the fountainhead of discrimination engulfing medical disabilities which prove on examination to be irrelevant or non-existent". Developing policy in this area requires the delicate task of balancing the right of privacy with the right to manage.

The Yukon Human Rights Commission spent many months working on this issue and solicited input from community and business organizations (public and private), individuals and unions. Over 25 submissions were considered and a number of public consultation meetings were held. The Commission then released its draft policy on employment-related medical testing.

It is not enough to be able to claim equal rights unless these rights are somehow enforceable. Unenforceable rights are no more satisfactory than unavailable ones.

Report of the Royal Commission on Equality in Employment (The Abella Report). 1984

The policy details the parameters of the Yukon Human Rights Act with respect to the issue; the ethical and legal responsibilities of employers and employees and the relationship such issues have with human rights legislation.

The employment-related medical testing policy is currently in its last round of revisions. It is anticipated that the policy will be approved by the Commission and made available for public release in the near future.

Employment Equity

The issue of fairness, both in employment practices and in hiring, has long been a widely discussed topic. Discrimination occurs when employers have practices or attitudes that prevent individuals from participating fully in the workplace. This discrimination limits earning potential and self-worth. In addressing employment equity, four major groups have been recognized across Canada as having been historically disadvantaged: woman, aboriginal peoples, visible minorities and disabled persons.

POLICIES

Equality in employment means that no one is denied opportunities for reasons unrelated to job performance. Since the right to employment is one of the most basic guarantees of our society, employment discrimination demands that particular programs and policies be developed to identify and correct the problem. Pursuant to Section 12 of the Yukon Human Rights Act, special programs may be developed to overcome barriers to employment encountered by identified groups.

An employment equity policy is being developed with the help of community consultation. This policy will provide a basis for discussion and help employers eliminate discriminatory practices. The Commission hopes to have the final policy completed by 1993.

The Commission endorses the broadest application of equality rights in the Yukon and recognizes that this remains one of the most important issues facing the territory. Not only does the Commission have a responsibility to address past inequities, it must also concern itself with policies that will affect the nature of the work force into the next century.

Sexual harassment in the workplace attacks the dignity and self-respect of the victim, both as employee and human being.

BRIAN DICKSON
Chief Justice,
Supreme Court of Canada
Janzen vs. Platy, 1989

Sexual Harassment

Sexual harassment falls within the mandate of the Act and is described as discrimination on the basis of a person's gender. The Commission recognizes that it is one of the most serious and pervasive forms of employment discrimination. The Commission views sexual harassment as harmful — both psychologically and physically — as well as damaging to the victim. Sexual harassment in relation to employment, services or tenancy is a contravention of the Yukon Human Rights Act.

Recent Supreme Court of Canada decisions illustrate the responsibility of employers to provide workplaces that are free of discrimination, and further; that they have a responsibility to put into place policies that correct this type of discrimination. This same responsibility applies to service providers and landlords in accordance with the Act.

The Commission is developing a policy to meet the needs of both employers and employees. It is intended to clarify the issue and provide a clear definition of this type of discrimination. Along with the policy, the Commission will publish a brochure as a guide for employees. Both of these are expected to be released to the public by April 1, 1992.

Auditor's Report

I have examined the balance sheet of the Yukon Human Rights Commission as at March 31, 1991 and the statements of revenue and expenditures and surplus for the year then ended. These financial statements are the responsibility of the commission's management. My responsibility is to express an opinion on these financial statements based on my audit.

I conducted my audit in accordance with generally accepted audited standards. Those standards require that I plan and perform an audit to obtain reasonable assurance whether the statements are free of material misstatement. An audit includes examining, on a test basis, evidence supporting the amounts and disclosures in the financial statements. An audit also includes assessing the accounting principles used and significant estimates made by management, as well as evaluating the overall financial statement presentation.

In my opinion, these financial statements present fairly, in all material respects, the financial position of the commission as at March 31, 1991 and the results of its operations and the changes in its financial position for the period then ended in accordance with generally accepted accounting principles.

Chartered Accountant

Whitehorse, Yukon
May 29, 1991

BALANCE SHEET: March 31, 1991

	1991	1990
Assets		
Current Assets		
Cash and term deposit	**$ 19,859**	$ 7,160
Accounts receivable	**10,782**	–
Due from employee	**2,420**	—
Prepaid expenses	**790**	—
	$ 33,851	7,160
Fixed Assets (note 2)	**113,026**	104,905
	$ 146,877	$ 112,065
Liabilities		
Current Liabilities		
Accounts payable and accrued liabilities	**$ 6,143**	833
Wages and employee benefits payable	**3,383**	—
Deferred Income	—	4,500
	9,526	5,333
Equity		
Investment in fixed assets	**$ 113,026**	104,905
Surplus	**24,325**	1,807
	137,351	106,712
	$ 146,877	$ 112,045

Approved by:

Chairperson

Executive Director

STATEMENT OF REVENUES AND EXPENSES: for the year ended March 31, 1991

		1991	1990
Revenue	Government grant: operations	$ 263,200	$ 207,000
	Government grant: CASHRA	7,246	5,500
	Other grants	2,600	1,434
	CASHRA revenue: other	15,975	—
	International Human Rights Day	1,178	—
	Interest income	14,621	10,121
	Other income	770	350
		305,590	224,405
Expenses: Administration	Advertising and promotion	1,212	1,428
	Consulting services	4,357	9,256
	Dues and memberships	650	660
	Equipment repairs	250	—
	Interest and bank charges	83	85
	Miscellaneous	715	49
	Office supplies	6,780	3,396
	Postage, freight, deliveries	2,877	1,624
	Printing	108	—
	Professional fees	2,677	1,741
	Subscriptions, publications and films	1,721	1,250
	Telephone	6,683	5,224
		28,113	24,713
Staff	Employee travel, conferences	6,627	10,519
	Executive Director hospitality	159	—
	Recruitment costs	—	2,264
	Wages, employee benefits	127,488	108,494
		134,274	121,277
Commission	Commissioner honorariums	10,650	7,000
	Commissioner meetings and hospitality	577	422
	Commissioner professional development	2,875	—
	Commissioner travel, conferenes	10,833	6,354
		24,935	13,776
Public Education	CASHRA Coordination	47,648	7,024
	Casual labour	670	—
	Consulting	14,982	11,716
	Community grants	3,714	1,577
	Elimination of Racial Discrimination Day	593	—
	International Human Rights Day	2,533	—
	Printing	171	120
	Rick Hanson fund	—	2,000
		70,311	22,437
Legal Advocacy	Legal counsel	494	—
		9,359	8,896
Operational	Insurance	367	800
	Property Taxes	1,476	1,877
	Purchase: furniture, equipment	8,121	9,063
	Repairs, maintenance	1,202	1,303
	Utilities	4,914	3,443
		16,080	16,486
		283,072	207,585
Excess of Revenue over Expenses for the year		$ 22,518	$ 16,820

Statement of Surplus (Deficit): for year ended March 31, 1991

	1991	1990
BALANCE, BEGINNING OF YEAR	$ 1,807	$ (15,013)
Excess of revenue over expenses for year	22,518	16,820
BALANCE, END OF YEAR	$ 24,325	$ 1,807

Notes to the Financial Statements: for year ended March 31, 1991

1. SIGNIFICANT ACCOUNTING POLICIES

a) Fixed Assets and Investment in Fixed Assets

Fixed assets are expensed in the year they are purchased. They are also capitalized on the balance sheet at cost.

The Investment in Fixed Assets reflects the historical cost of all fixed assets owned by the commission.

Subject to the above, the commission follows the normal accrual basis of accounting.

b) Deferred Income

Grant monies received in the current year for which the corresponding expenditures will not occur until a future year are set up as deferred income. Deferred income is recognized as revenue when the corresponding expenses are incurred.

2. FIXED ASSETS

	1991	1990
Land and Building	$ 81,147	$ 81,147
Furniture and equipment	31,879	23,758
	$113,026	$ 104,905

The Yukon Human Rights Commission
205 Rogers Street
Whitehorse, Yukon Y1A 1X1
Telephone 403-667-6226
Fax 403-667-2662